

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Special Permit #1993

DATE: October 30, 2002

SCHEDULED PLANNING COMMISSION MEETING:

DATE: November 13, 2002

PROPOSAL: To operate a private school for gymnastics for a maximum of 54 students arriving or departing at any one time with a total of 175 students in an I-1, Industrial District on Lot 148 Irregular Tract.

LAND AREA: 2.84 acres, more or less

CONCLUSION: With conditions to provide minimum separation to hazardous materials the special permit is in conformance with the 2025 Comprehensive Plan.

<u>RECOMMENDATION:</u>	Conditional Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 148 Irregular Tract in the SW quarter of Section 35, T10N R6E.

LOCATION: Generally located at 606 Hill Street.

APPLICANT: Danelle Catlett
Solid Rock Gymnastics
3100 S. 7th Street #101
Lincoln, NE 68502
(402)420-5000

OWNER: Robert and Jean Dugas
Solid Rock Gymnastics has a purchase agreement for the property

CONTACT: Danelle Catlett (402)420-5000, (402)440-1310
Mark Hunzeker (402)476-7621

EXISTING ZONING: I-1, Industrial.

EXISTING LAND USE: Formerly an indoor sports facility.

SURROUNDING LAND USE AND ZONING:

North:	Standing Bear Park	P, Public
South:	Old Standard Meat Co.	I-1, Industrial
East:	Skating rink, Vacant	I-1, Industrial
West:	Acreage	I-1, Industrial

HISTORY: On November 8, 1999, City Council approved Change of Zone #3205, Benes Place Planned Unit Development over a small area adjacent to the residential area. This limited the uses allowed in the I-1 district including but not limited to warehouses, contractor's offices and storage, offices, private schools, wholesale and distribution centers, retail stores, enclosed commercial recreation facilities. The Lincoln-Lancaster County Health Department recommended a condition to the special permit be added to prohibit the use or storage of hazardous materials. This condition was never added.

A special permit was filed December 3, 1997 to operate an early childhood care facility. The application was withdrawn October 29, 1998

The area was zoned K , Light Industrial until the area was updated to I-1, Industrial and P, Public during the 1979 zoning update.

COMPREHENSIVE PLAN SPECIFICATIONS: The 2025 Comprehensive Plan states the Lincoln-Lancaster County Health Department be involved in "siting of new industrial centers to ensure the public's health and safety"(F-39). The Lincoln-Lancaster County Health Department has always been involved in reviewing and commenting on public safety issues in existing industrial zones, namely the siting of private schools and early childhood care facilities.

The 2025 Comprehensive Plan does not specifically call out private schools, but does indicate that "child care centers should be located within neighborhoods and near schools and parks when possible"(F-18).

The vision of the 2025 Comprehensive Plan indicates that the core promise of the plan is "to maintain and enhance the health, safety and welfare of our community during times of change, and to promote our ideal and values as changes occur"(V-1).

The 2025 Comprehensive Plan identifies this area as Industrial(F-25), however commercial may be appropriate if the applicant wishes to pursue a change of zone to commercial in this area.

TRAFFIC ANALYSIS: Hill Street is identified as a local street in the 2025 Comprehensive Plan. Local streets are lower order streets that serve as a conduit between abutting properties and higher order streets(F-105).

ENVIRONMENTAL CONCERNS: This is an industrial area that is not appropriate for facilities which offer classes to children. However, language was approved by the Lincoln-Lancaster County Health Department in a similar Special permit (#1964) for a private gymnastics/cheerleading school. Similar language is a condition of this special permit and the Lincoln-Lancaster County Health Department indicates that with this language, sufficient protection would be offered for the students of the private school for gymnastics.

ANALYSIS:

1. This is an application for a private school for gymnastics in an I-1, Industrial district. The applicant indicates the school would have a total of 175 students. During peak hours there would be a maximum of 54 students and 6 staff. The applicant indicated that there is 5-15 minute of separation between classes. Minimum parking requirements are met with this application based on the number of students and staff. 24 stalls are required and 58 parking stalls are shown. The applicant presently operates a private gymnastics school from an I-1 zone at 3100 S. 7th Street with Special Permit #1592 which was obtained in 1995.
2. The applicant indicated that they were not aware of any hazardous materials in the immediate area. A skating rink and vacant land are to the east, the old Standard Meat Co. which is vacant is to the south, Standing Bear Park is to the north and a vacant lot with an acreage is to the west. Because these lots are vacant, any potential I-1, Industrial uses can locate there.
3. The applicant indicated that they did not anticipate having a problem controlling internal air quality, but were willing to discuss the installation of a manual override and external air shutdown due to the threat of a hazardous chemical spill in the area.
4. The 2025 Comprehensive Plan calls for the maintenance and enhancement of the welfare of the community and to promote our ideals and values as change occurs. Without the proposed conditions to limit the proximity of hazardous materials near students of the private school, there is no protection offered to the children or adults who attend the school.
5. Since 1953, six special permits for private schools have been approved. Three of the six special permits for private schools are located in an I-1, Industrial district. Special Permit #1837 is for an adult apprenticeship training school. Special permit #1594 is for a gymnastics school. Special Permit #1964 is a special permit for a cheerleading, dance and gymnastics school with 207 students. Special Permit #1964 has conditions

attached to the permit which prohibit the operation of the special permit if hazardous materials are located within 300 feet of the school.

6. On October 29, 2002 the Planning and Health Departments met with the applicant to discuss conditions that would allow the use of this private school in the industrial district. The Lincoln-Lancaster County Health Department indicated the condition they would be requiring as part of the permit, the applicants were not agreeable to the condition to revoke the permit in the event that hazardous materials were stored or used within 300 feet of the special permit. The Lincoln-Lancaster County Health Department indicated that the applicant could propose alternative language for the Health Department to review and accept. The applicant has not submitted alternate language at this time.
7. The Lincoln-Lancaster County Health Department has serious concerns regarding the location of private schools or establishments with susceptible populations in industrial zones. The potential exposure of children to hazardous materials is the primary concern of the Lincoln-Lancaster County Health Department. The Lincoln-Lancaster County Health Department had the following comments:
 - A. The Lincoln-Lancaster County Health Department recommends placing a condition in the special permit that creates a 300 foot buffer zone around Solid Rock Gymnastics which prohibits the operation of the special permit if hazardous materials are stored or used within the buffer zone. Therefore, in the event that hazardous materials are stored or used in an adjacent building, the special permit for the private gymnastics school would be revoked.
 - B. The Lincoln-Lancaster County Health Department does not support the approval of the special permit unless the condition is added.
 - C. The Lincoln-Lancaster County Health Department recommends the development and implementation of a detailed emergency response plan and the heating, ventilation and air conditions systems be equipped with an emergency shut-off switch to minimize the introduction and subsequent exposure of building occupants to hazardous materials.
 - D. The Lincoln-Lancaster County Health Department favors the eventual change of zone for the entire area from industrial to commercial zoning.
8. The Planning staff will consider the Lincoln-Lancaster County Health Department suggestion to change the zoning of the entire area zoned I-1, Industrial.
9. The Public Works & Utilities Department had the following comments:

- A. The minimum number of handicapped accessible stalls required is 3. A minimum of 1 of the 3 required stalls must be van accessible.
 - B. Show the dimensions of the accessible stalls and their parking access aisles.
 - C. Show the dimensions of the regular parking stalls and driving aisles.
 - D. In the 21 stall south parking tier adjacent to Hill Street, the easternmost parking stall is required to have a minimum 10' stall width because it is the end stall of the terminated driving aisle.
 - E. Show the method of termination of the western north-south driving aisle. Define the purpose of the 8 parking stall designated on the site plan by dashed lines.
10. The landscaping on the site plan needs to be identified and meet design standards or a note added indicating that screening and landscaping will be shown at the time of building permit and will meet Design Standards.

CONDITIONS:

Site Specific:

- 1. This approval permits a private school for gymnastics for 175 students with a maximum of 54 students arriving or departing at any one time.

General:

2 Before receiving building permits:

- 2.1 The permittee shall complete the following instructions and submit the documents and plans to the Planning Department office for review and approval.
 - 2.1.1 The parking lot designed to comply with design standards.
 - 2.1.2 The purpose of the area to the north of the proposed private school.
 - 2.1.3 Landscaping per Design Standards for Landscaping and Screening and Parking Lots.
 - 2.1.4 Add a note to the site plan indicating the permittee and/or owner of the lot agrees to terminate the use of the premises as a private school within sixty days of receipt of notification from the building official of the

storage of hazardous materials on property within 300 feet of the building used for the private school.

2.1.5 Add a note to the site plan indicating the permitte and/or owner of the lot shall not allow the storage or use of hazardous materials on the premises of the special permit.

2.1.6 Street trees on Hill Street to the satisfaction of the Parks and Recreation Department.

3. Upon signature of the letter of acceptance, the permittee agrees to terminate the use of the premises as a private school within sixty days of receipt of notification from the building official of the storage of hazardous materials on property within 300 feet of the building used for the private school.
4. The permittee shall not allow the storage or use of hazardous materials on the premises of the special permit.
5. The construction plans shall comply with the approved plans.

STANDARD CONDITIONS:

6. The following conditions are applicable to all requests:
 - 6.1 Before operating the school all development and construction shall have been completed in compliance with the approved plans.
 - 6.2 All privately-owned improvements shall be permanently maintained by the owner.
 - 6.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 6.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.

- 6.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by:

Becky Horner
Planner

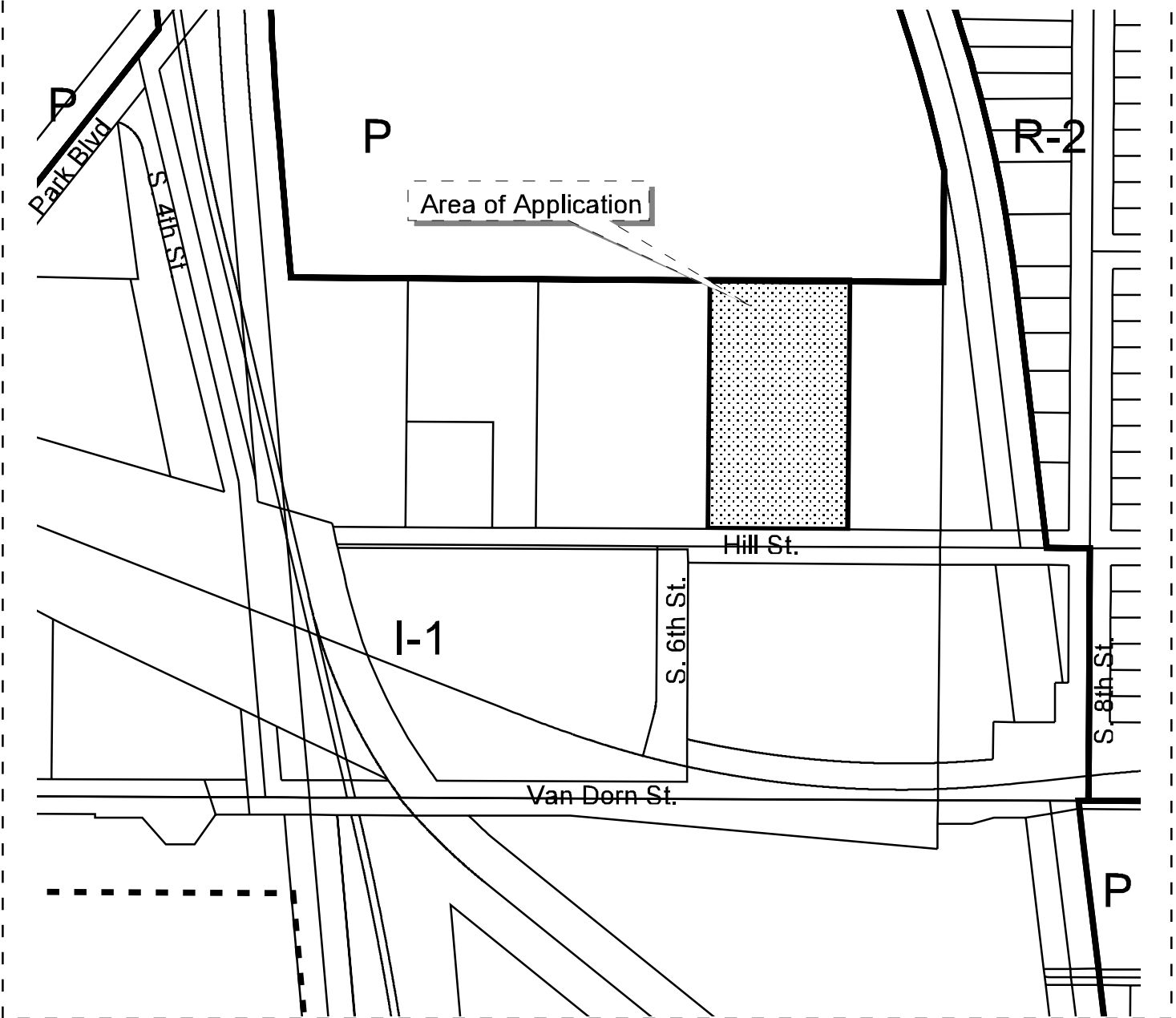
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Special Permit #1993
610 Hill St.
Solid Rock Gymnastics



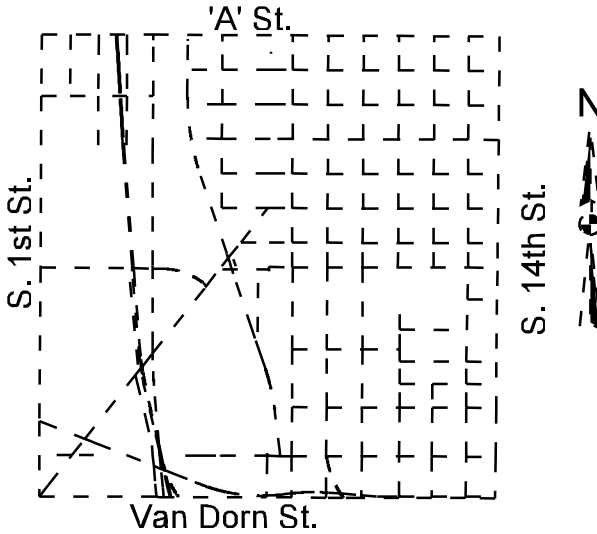
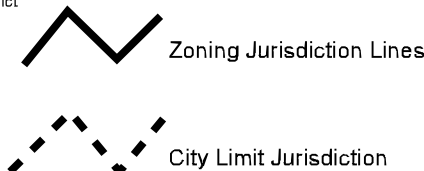
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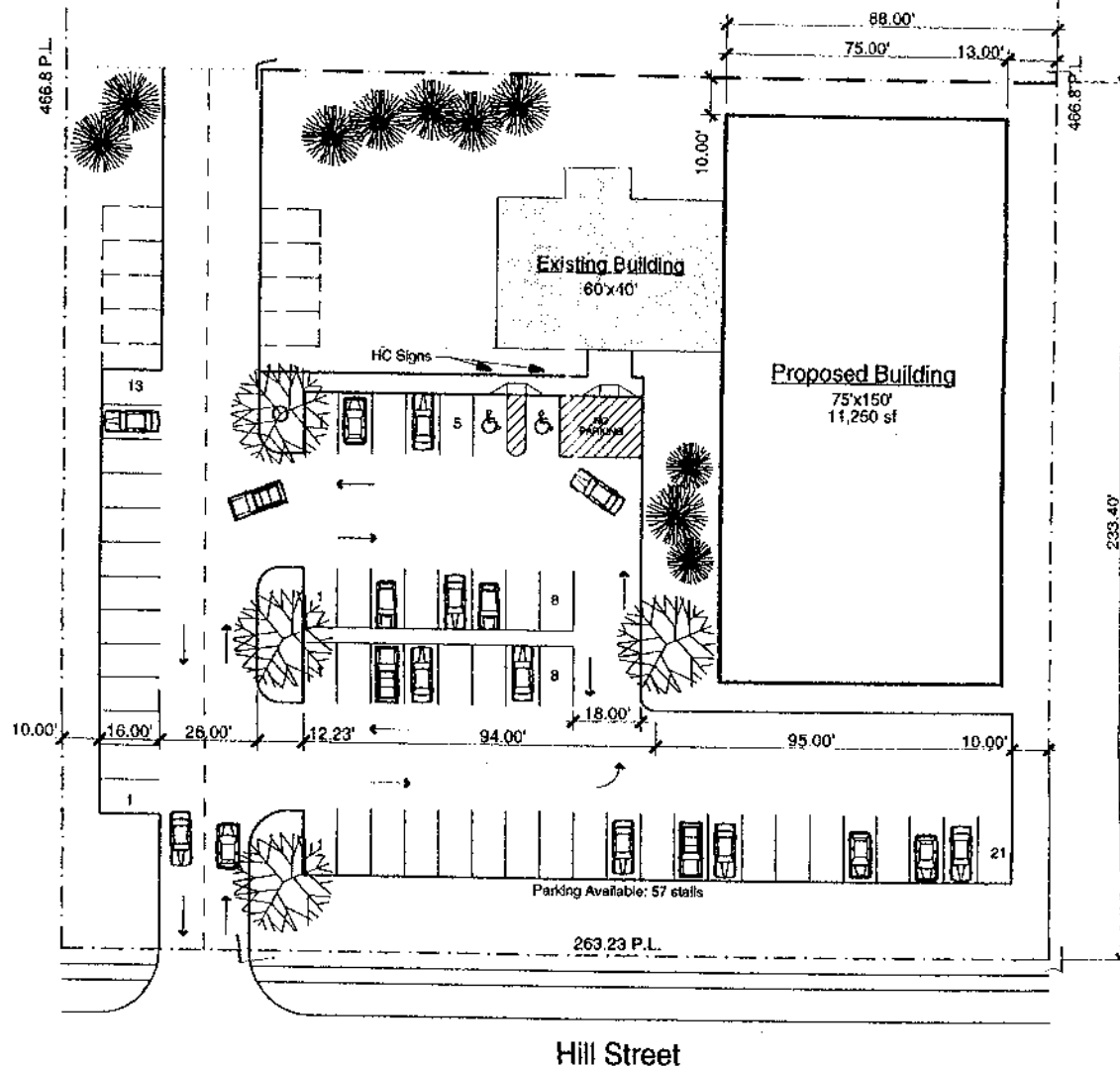
Special Permit #1993
610 Hill St.
Solid Rock Gymnastics

- Zoning:**
- R-1 to R-8 Residential District
 - AG Agricultural District
 - AGR Agricultural Residential District
 - R-C Residential Conservation District
 - O-1 Office District
 - O-2 Suburban Office District
 - O-3 Office Park District
 - R-T Residential Transition District
 - B-1 Local Business District
 - B-2 Planned Neighborhood Business District
 - B-3 Commercial District
 - B-4 Lincoln Center Business District
 - B-5 Planned Regional Business District
 - H-1 Interstate Commercial District
 - H-2 Highway Business District
 - H-3 Highway Commercial District
 - H-4 General Commercial District
 - I-1 Industrial District
 - I-2 Industrial Park District
 - I-3 Employment Center District
 - P Public Use District

One Square Mile
 Sec. 35 T10N R6E



263.23 P.L.



Answers to questions pertaining to section 27.63.075 of the code to accompany application for special permit.

B,1

Solid Rock Gymnastics currently has approximately 175 students that attend classes or are on our competitive team. Currently, 65% attend class 1 time per week, while the remaining 35% attend 2 to 4 times per week. These students attend classes between 9:00am - 12:00pm and 3:30pm-9:00pm. Pre School Classes (for ages 3-5 years) have 3-5 students, Beginning and Intermediate classes (for ages 6-9 years) have 4-7 students, and classes for Beginners (ages 10 years and up) have 8-10 students. During slow times, 4-8 students are in the building. At peak hours, we now have approximately 20-30 students in the facility and anticipate this will grow to be 30-50 in this new facility. At slow times we have 1-2 staff members, and at peak hours there are 5-6 staff members on duty. There is 5-15 minutes between classes. Class start and finish times are sometimes simultaneous and sometimes staggered. Attached is our anticipated class schedule with maximum number of students allowed in each class time. The "Total in Gym" is the total number of students in the gym at that time. It is not the number of students arriving and departing.

B,2

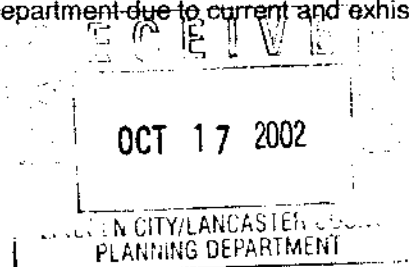
Parking is ample and exceeds the parking guidelines. At the Peak hour, (Wednesday between 5:00 and 5:30pm) there is a maximum of 35 students arriving and 19 departing for classes within the half hour. Six staff would be scheduled. Since these sessions do not have one half hour of time separating them, the numbers would be combined to total 54. Required parking is one space for every three students allowed per class session, plus one for each staff. Therefore, required parking under this scenario would be $28 \div 3 = 9.33$ total spaces. 45-58 are provided. In addition, 16 of the 35 students arriving at this peak time are team members, many of whom carpool with several other team members. These are not our current numbers, but numbers that may be possible in this new facility.

C

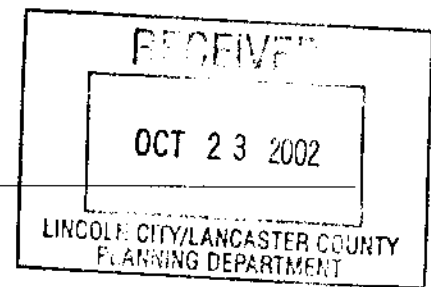
a) To applicant immediate knowledge, there are no hazardous materials in the immediate area. To the North is a public park, to the South and across Hill St. is a vacant Standard Meats, to the East is the A & R Roller Rink and to the West is another vacant lot.

b) Evacuation from the building would be through the main and emergency exits. Evacuation on foot would be to the public park to the North. Evacuation in staff and parent vehicles would be out the parking lot, East on Hill St. to 9th St., and West on Hill St. to 6th, South on Hill St. to Van Dorn.

c) We anticipate that internal air quality control will not be an issue considering the surrounding area. The purchase agreement on the land prohibits the storage and use of toxic materials that would pose an unreasonable risk to the health of the individuals at or using the facility, by the owners of back 1/2 of this property. A pplicant is willing to discuss the installation of a manual override and external air shutdown system if deemed absolutely necessary by the Heath Department due to current and existing threat of a hazardous chemical spill in the area.



M e m o r a n d u m



To: Becky Horner, Planning Dept.
From: ⁶⁶ Bruce Briney, Public Works and Utilities
Subject: Special Permit #1993, Solid Rock Gymnastics
Date: October 22, 2002
cc: Nicole Fleck-Tooze
Randy Hoskins

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the Application for Special Permit #1993, Solid Rock Gymnastics, 610 Hill Street, to expand the existing facility. Public Works has the following comments:

- The minimum number of handicapped accessible stalls required is 3. A minimum of 1 of the 3 required accessible stalls should be van accessible.
- Show the dimensions of the accessible stalls and the dimensions of their parking access aisles.
- Show the dimensions of the regular parking stalls and the dimensions of the driving aisles.
- In the 21 stall south parking tier adjacent to Hill Street, the easternmost parking stall is required to have a minimum 10' stall width because it is the end stall of the terminated driving aisle.
- Show the method of termination of the western north-south driving aisle. Define the purpose of the 8 parking stalls designated on the site plan by dashed lines.

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Becky Horner

DATE: October 25, 2002

DEPARTMENT: Planning

FROM: Chris Schroeder

ATTENTION:

DEPARTMENT: Health

CARBONS TO: Bruce Dart, Director
EH File
EH Administration

SUBJECT: Solid Rock Gymnastics
SP #1993

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed special permit application #1993 for any possible negative public health impacts with the following noted:

- The current zoning for the area of the special permit application is I-1. Historically, the LLCHD has advocated against locating susceptible populations (i.e. children) in industrial zones.
- The applicant has attempted to address current hazardous materials/chemicals risks by the statement, "To applicant knowledge, there are no hazardous materials in the immediate area.". However, this does nothing for concretely ensuring, considering the I-1 zoning, that hazardous materials/chemicals or businesses do not locate in this area in the future.
- To alleviate this concern, the LLCHD recommends placing a condition in the special permit that creates a 300 foot buffer zone around Solid Rock Gymnastics which prohibits the storage and/or usage of hazardous chemicals or materials within the buffer zone. Therefore, in the event that hazardous chemicals/materials are stored or used in an adjacent business or building, the special permit for Solid Rock Gymnastics could be revoked. The LLCHD will not support the approval of special permit #1993 unless Solid Rock Gymnastics agrees to the aforementioned special permit condition of creating a 300 foot buffer zone in conjunction with prohibiting hazardous chemicals within the Solid Rock Gymnastics building. This concept of delineating a no hazardous waste/chemical buffer zone has been recommended by the LLCHD in the past and was approved by the planning commission for a very similar land-use situation.
- In addition, the LLCHD recommends the development and implementation of a detailed emergency response plan and the heating, ventilation, and air conditioning (HVAC) system be equipped with an emergency shut-off switch to minimize the introduction and subsequent exposure of building occupants to hazardous materials.

- Looking toward the future, based upon the current uses in this area, the LLCHD would favor a change of zone for the entire area in question from industrial zoning to commercial zoning.



INTER-DEPARTMENT COMMUNICATION

DATE October 28, 2002

TO Becky Horner, City Planning

FROM Sharon Theobald
(Ext. 7640)

SUBJECT DEDICATED EASEMENTS - SPECIAL PERMIT #1993
DN #25S-6E

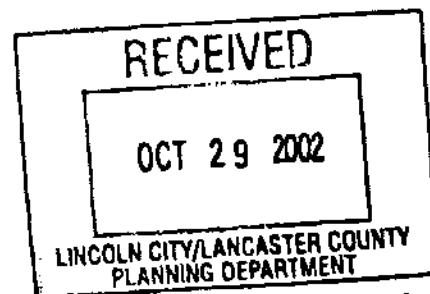
Attached is the Site Plan for Solid Rock Gymnastics Addition & Remodel.

In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.

ALLTEL, Time Warner Cable, and the Lincoln Electric System will offer no objections to the proposed building addition by Solid Rock Gymnastics.

Sharon Theobald

ST/nh
Attachment
c: Terry Wiebke
Easement File



Richard J Furasek
10/28/2002 03:07 PM

To: Rebecca D Horner/Notes@Notes
cc:
Subject: Solid Rock Gymnastics

I have reviewed Special permit #1993 and find it acceptable from the department's perspective.

Richard J. Furasek
Assistant Chief Operations
Lincoln Fire & Rescue
1801 Q Street
Lincoln Ne. 68508
Office 402-441-8354
Fax 402-441-8292

Memo

To: Becky Horner, Planning Department

From: Mark Canney, Parks & Recreation

Date: October 22, 2002

Re: Solid Rock Gymnastics SP#1993

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have the following comments:

1. Existing/proposed Street trees need to be shown along Hill Street.
2. Landscape screen along parking area needs to be provided to satisfy the requirement of the Planning Department.
3. Drainage issue must be addressed. Sheet drainage from site onto the park is not acceptable. Please provide grading plan and/or alternative addressing this concern.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thank you.

City of Lincoln, Nebraska

IMPORTANT

All revisions to plans must include Building Permit # and Job Address.

Return this report with two sets of corrected plans. The corrections noted below are required to be made to the plans prior to issuance of a permit. Please indicate under each item where the correction is made by plan sheet number or plan detail number.

A separate set of plans for review and final approval must be submitted by the licensed installing contractor/s if fire suppression systems, sprinklers, dry powder, fire alarm systems or underground tanks are installed.

Plan Review Comments

Permit # **DRF02085**

Address

Job Description: Development Review - Fire

Location: **SOLID ROCK GYMNASTICS**

Special Permit: Y 1993

Preliminary Plat:

Use Permit:

CUP/PUD:

Requested By **BECKY HORNER**

Status of Review: Approved

Reviewer: FIRE PREVENTION/LIFE SAFETY CODE

BOB FIEDLER

Comments:

Current Codes in Use Relating to Construction Development in the City of Lincoln:

- 1997 Uniform Building Code and Local Amendments
- 1994 Nebraska Accessibility Guidelines (Patterned after and similar to ADA guidelines)
- 1989 Fair Housing Act As Amended Effective March 12, 1989
- 1979 Zoning Ordinance of the City of Lincoln as Amended including 1994 Parking Lot Lighting Standards
- 1992 Lincoln Plumbing Code (The Lincoln Plumbing Code contains basically the 1990 National Standard Plumbing Code and local community Amendments.)
- 1999 National Electrical Code and Local Amendments
- 1997 Uniform Mechanical Code and Local Amendments
- 1994 Lincoln Gas Code
- 1994 NFPA 101 Life Safety Code
- 1997 Uniform Fire Code and Local Amendments
- Applicable NFPA National Fire Code Standards

